

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIFTH DAY

(Tuesday, April 9, 2019)

The Senate met at 3:50 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Senator Hughes offered the invocation as follows:

Father, we come to You in the lovely name of the Lord Jesus, and on a day like today, when we're even more reminded of what a beautiful creation You've made here and where You allow us to live, we're just reminded again of Your love, of Your power, of Your wisdom. We think about the roles that each one of us have here, whether in elected office or serving in any other role or folks from the public who are here to participate, to have their voices heard. Everyone here, You've put here for a specific purpose. When we look around us, the beauty of this building and the gravity of the issues that are weighed here, we're reminded how important it is, and we're humbled, each one of us, that You would trust us with this responsibility in the various roles where You put us. So, we just lift You up, we give You the place You deserve. We honor You as our creator who made everything, who's in control of everything. We look to You for guidance, we thank You for Your promise to give us wisdom if we lack it. We need Your guidance, we need Your help. Please show us what to do. Give us boldness to do the right thing, courage, and humility in the process, we pray, as we continue and begin this new legislative day where Your guided deliberations and the Lord Jesus will be honored in what we do. I ask all these things in His name, the name of the one who loved us and gave Himself for us and rose again and is coming quickly to rule and to reign. We want to busy about His business until that time. I ask these things in Jesus' name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Donna Campbell of San Antonio as the Physician of the Day.

The Senate welcomed Dr. Campbell and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2535 by Fallon

Relating to the powers and duties of the Lakehaven Municipal Utility District; providing authority to issue bonds; providing authority to impose a tax.
To Committee on Intergovernmental Relations.

SB 2536 by Fallon

Relating to the creation of the Howe Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 2537 by Fallon

Relating to the creation of the Dynavest Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 2539 by Creighton

Relating to the creation of the Chambers County Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 2540 by Creighton

Relating to the creation of the Chambers County Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 674 to Committee on Education.

HB 833 to Committee on Veteran Affairs and Border Security.

HB 853 to Committee on Business and Commerce.

HB 986 to Committee on Business and Commerce.

HB 1311 to Committee on Business and Commerce.

HB 1326 to Committee on Veteran Affairs and Border Security.

HB 1397 to Committee on Business and Commerce.

HB 1422 to Committee on Natural Resources and Economic Development.

HB 1595 to Committee on Business and Commerce.

HB 1628 to Committee on Water and Rural Affairs.

HB 1872 to Committee on State Affairs.

HB 2709 to Committee on Higher Education.

HB 2867 to Committee on Higher Education.

GUEST PRESENTED

Senator Buckingham was recognized and introduced to the Senate Charles Yen, serving today as an Honorary Senate Page.

The Senate welcomed its guest.

CONCLUSION OF MORNING CALL

The President at 3:53 p.m. announced the conclusion of morning call.

SENATE BILL 23 ON THIRD READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **SB 23** at this time on its third reading and final passage:

SB 23, Relating to enforcement of the rights of a living child born after an abortion; creating a civil cause of action; creating a criminal offense.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor, Zaffirini.

Nays: Alvarado, Hinojosa, Johnson, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Flores and by unanimous consent, his remarks and the remarks by Senator Lucio regarding **SB 23** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Lucio: Senator Kolkhorst, I can't find the words in my heart to thank you for carrying this bill. Didn't sleep much last night thinking about this bill and thinking to myself that probably all the bills that I'm carrying this session put together cannot equal the importance of this bill and where this bill will take us in saving a precious life that has been born alive after an abortion attempt. I want to just say that all human life comes from God our creator. There is nothing more fundamental to my being than saying we must provide all the care possible to every baby that is born. So, Senator Kolkhorst, I want to thank you again for authoring this bill because it recognizes that fact. Children are a gift from God and they are a reward to the world, and it is for every child that I pray daily. It pains me to think about why this bill is necessary,

though. This bill tells abortion doctors that they must care for infants. There are children dying because physicians are not providing them with basic life-saving care. It is rare that babies are left alone to die after an attempted abortion, but if it happens one time, it is one time too many. Every baby should be given the opportunity to live. It is our duty as human beings to show them no harm and give them hope and a future. I am happy that this bill provides the opportunity to those who witness these atrocities to do the right thing. Hopefully, it is enough for a physician that was once responsible for ending the life of a baby to become the physician in charge of saving the life of a baby. This bill ensures that life-saving care should be provided to all children. Again, I am saddened that we have to outline what it means to give a baby a chance at survival, a chance for life, a chance for a future, and a chance to have courage and strength. I pray every child will be able to experience the world made by our creator, the world that we're experiencing. And I pray every child has the opportunity to give their own love and compassion to others as they mature. Through my faith I feel and believe human life begins at conception and ends at natural death. I know some believe that science says otherwise. But the distinct DNA of new life occurs in the first 12 hours of life. I also believe life ends at natural death, and I know some believe in capital punishment. I do not distinguish the two. Life is a daily struggle and it's a daily privilege. I want to protect the life of that baby struggling for life outside the womb of his mother because human life is the greatest gift bestowed to us upon our creator. This is the most important bill this session for me. I thank you.

President: Thank you, Senator Lucio. Senator Flores, for what purpose?

Senator Flores: Mr. President, motion to put Senator Lucio's comments to the Journal, if I may, and thank you, Senator Lucio, for those words. I mirror that. Our society is based on how we treat our most defenseless citizens. And the measure of Texas will be shown greatly when we pass this bill. Thank you, Mr. President.

President: Senator, would you like your comments to be added as well?

Senator Flores: Please.

SENATE BILL 957 ON THIRD READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 957** at this time on its third reading and final passage:

SB 957, Relating to voter approval of the issuance of certain obligations by municipalities to pay their unfunded liabilities to a public pension fund.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor, West.

Nays: Alvarado, Johnson, Menéndez, Miles, Powell, Rodríguez, Watson, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor, West.

Nays: Alvarado, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, Whitmire, Zaffirini.

SENATE BILL 1891 ON THIRD READING

Senator Hancock moved to suspend the regular order of business to take up for consideration **SB 1891** at this time on its third reading and final passage:

SB 1891, Relating to a limit on the rate of growth of certain appropriations.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor.

Nays: Alvarado, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

COMMITTEE SUBSTITUTE

SENATE BILL 21 ON THIRD READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 21** at this time on its third reading and final passage:

CSSB 21, Relating to the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Alvarado, Bettencourt, Campbell, Flores, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Zaffirini.

Nays: Birdwell, Buckingham, Creighton, Fallon, Hall, Hancock, Hughes, Nichols, Paxton, Schwertner, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Nichols and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation might meet and consider **SB 2014** tomorrow.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Perry and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on Water and Rural Affairs permission to meet while the Senate was meeting today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Perry and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Water and Rural Affairs might meet today.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on Health and Human Services permission to meet while the Senate was meeting tomorrow.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills tomorrow:

SB 1120, SB 1122, SB 1124.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.13 was suspended to grant the Committee on Health and Human Services permission to meet while the Senate was meeting today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet today.

CO-AUTHOR OF SENATE BILL 21

On motion of Senator Huffman, Senator Menéndez will be shown as Co-author of **SB 21**.

CO-AUTHOR OF SENATE BILL 23

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-author of **SB 23**.

CO-AUTHOR OF SENATE BILL 722

On motion of Senator Campbell, Senator Hall will be shown as Co-author of **SB 722**.

CO-AUTHOR OF SENATE BILL 957

On motion of Senator Menéndez, Senator Creighton will be shown as Co-author of **SB 957**.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:12 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 9, 2019

STATE AFFAIRS — **CSSB 1638, SB 1802, CSSB 1568, CSSB 1682, CSSB 1569, CSSB 1577, SB 2140, CSSB 891**

ADMINISTRATION — **HB 1101**

VETERAN AFFAIRS AND BORDER SECURITY — **SB 2299, SB 2317, SB 1819, SB 1598, SB 1539, SB 1538, CSSB 2047, CSSB 2104, CSSB 616**

BUSINESS AND COMMERCE — **CSSB 1349, SB 1853, SB 1852, CSSB 2330, CSSB 1941, CSSB 1938, CSSB 2232, CSSB 37**

EDUCATION — **CSSB 895, CSSB 933, CSSB 591**

BUSINESS AND COMMERCE — **CSSB 494**

BILLS ENGROSSED

April 8, 2019

SB 27, SB 244, SB 254, SB 289, SB 452, SB 625, SB 626, SB 710, SB 1037

RESOLUTIONS ENROLLED

April 8, 2019

SCR 22, SR 531, SR 544, SR 546, SR 547, SR 548, SR 550, SR 552, SR 553, SR 555

SENT TO GOVERNOR

April 9, 2019

SCR 22

